

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

JOB ORDER NUMBER: 99-1076

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 57640
NTC HISTORIC BUILDINGS RELOCATION [MMRP] - PROJECT NO. 9735
CITY COUNCIL

This Site Development Permit is granted by the City Council of the City of San Diego to the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, Owner, and MCMILLIN - NTC, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The site is located easterly of Truxton Road, between Womble Road and Roosevelt Road, within the Mixed-Use Subarea of the NTC Precise Plan, within the CR-1-1 zone and Airport Environs Overlay, Coastal Overlay Zone, within the NTC Precise Plan and Local Coastal Program area within the Peninsula Community Plan area and NTC Historic District. The project site is legally described as Parcel 5 of Parcel Map 18941.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to relocate three historic buildings (Nos. 158, 159, and 207) from their current location within the Naval Training Center (NTC) National Register Historic District to a new location within the NTC National Register Historic District in accordance with the U.S. Secretary of the Interior's Standards, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated June 29, 2004, on file in the Development Services Department. The exhibits are identified as follows:

A-1: *"Liberty Station (Naval Training Station) Relocation of Buildings 158, 159 and 207"* - dated May 11, 2004.

The project or facility shall include:

- a. Relocation of (3) three historic buildings (Nos. 158, 159, and 207) from their current location within the Naval Training Center (NTC) National Register Historic District to a new location within the NTC National Register Historic District as identified on Exhibit "A" dated June 29, 2004; and
- b. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

2. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
5. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Before issuance of any necessary building permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit A- June 29, 2004. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

12. As conditions of Site Development Permit No. 57640, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration (PTS 9735/ SCH No. 2003081165), shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration (PTS 9735/ SCH No. 2003081165) satisfactory to the City Manager and City Engineer. Prior to issuance of the first building permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Manager. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue Areas:

- Historical Resources (Architectural)

14. The Mitigation, Monitoring, and Reporting Program (MMRP) shall require a deposit of \$1000.00, to be collected prior to the issuance of building permits for the relocation of the structures, to cover the City's costs associated with implementation of the MMRP.

LANDSCAPE REQUIREMENTS:

15. Timely erosion control, including planting and seeding of any disturbed areas associated with the structure relocations and consistent with the approved plans, is considered to be in the public interest. Owner/Permittee shall initiate such measures within thirty days from the date that the relocation of the buildings on site is deemed to be complete. Interim landscape and

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erosion control measures and any associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the Land Development Manual and to the satisfaction the City's Historic Resources Section. All landscape shall be maintained in a disease, weed, and litter free condition at all times.

PLANNING/DESIGN REQUIREMENTS:

16. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

17. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

18. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

19. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

20. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an avigation easement has been granted across the property. The note shall include the County Recorder's recording number for the avigation easement (San Diego County Recorder's Office Doc# 2001-0462160, dated July 6, 2001).

21. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

22. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* and *The Naval Training Center San Diego Guidelines for the Treatment of Historic Properties*, satisfactory to the City Manager.

INFORMATION ONLY:

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Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on June 29, 2004.

REV 10/21/03 DCJ

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